

**§ 92.2 Application for recognition of the animal health status of a region.**

(a)(1) The representative of the national government(s) of any country or countries who has the authority to request such a change may request at any time that all or part of the country or countries be recognized as a region, be included within an adjacent previously recognized region, or be made part of a region larger than an individual country. Requests for recognition of a region must be sent to the Administrator, in accordance with paragraph (c) of this section.

(b) Each request for approval to export a particular type of animal or animal product to the United States from a foreign region must be made to the Administrator, in accordance with paragraph (c) of this section, and must include, in English, the following information about the region:

(1) The authority, organization, and infrastructure of the veterinary services organization in the region.

(2) Disease status—i.e., is the restricted disease agent known to exist in the region? If “yes,” at what prevalence? If “no,” when was the most recent diagnosis?

(3) The status of adjacent regions with respect to the agent.

(4) The extent of an active disease control program, if any, if the agent is known to exist in the region.

(5) The vaccination status of the region. When was the last vaccination? What is the extent of vaccination if it is currently used, and what vaccine is being used?

(6) The degree to which the region is separated from adjacent regions of higher risk through physical or other barriers.

(7) The extent to which movement of animals and animal products is controlled from regions of higher risk, and the level of biosecurity regarding such movements.

(8) Livestock demographics and marketing practices in the region.

(9) The type and extent of disease surveillance in the region—e.g., is it passive and/or active; what is the quantity and quality of sampling and testing?

(10) Diagnostic laboratory capabilities.

(11) Policies and infrastructure for animal disease control in the region—i.e., emergency response capacity.

(c) Requests for recognition of a region or for approval to export animals or animal products to the United States from a region, including the information required by this section, must be sent to the Administrator, c/o National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231. (Where possible, include a copy of the request and accompanying information on a 3.5-inch floppy disk in ASCII or a word processing format.)

(d) The information submitted in accordance with paragraph (b) of this section will be made available to the public prior to initiation by APHIS of any rulemaking action on the request.

(e) If, after review of the information submitted, APHIS believes the requested importation can be safely allowed, APHIS will publish a proposed rule in the FEDERAL REGISTER to allow the importation, and the conditions under which the importation would be allowed, along with a discussion of the basis for the proposal.

(f) APHIS will provide a period of time during which the public may comment on the proposal. During the comment period, the public will have access to the information upon which APHIS based its analysis of the risk of such importation, as well as to its methodology in conducting the analysis. Once APHIS has reviewed all comments received, it will make a final decision on what conditions will be necessary to allow the importation in question, and will publish the conditions for import in the FEDERAL REGISTER.

## **PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS**

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**AUTHORITY:** 7 U.S.C. 1622, 8303, 8306–8308, 8310, 8313, and 8315; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 55 FR 31495, Aug. 2, 1990, unless otherwise noted. Redesignated at 62 FR 56012, Oct. 28, 1997.

## Subpart A—Birds

### § 93.100 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

*Administrator.* The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to whom authority has been or may be delegated to act in the Administrator's stead.

*Animal and Plant Health Inspection Service.* The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service.)

*Animals.* Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

*APHIS representative.* A veterinarian or other individual employed by the Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the services required by this part.

*Birds.* All members of the class aves (including eggs for hatching), other than poultry.

*Commercial birds.* Birds which are imported for resale, breeding, public display, or any other purpose, except pet birds, zoological birds, research birds, or performing or theatrical birds.

*Communicable disease.* Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

*Department.* The United States Department of Agriculture (USDA).

*Inspector.* An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

*Licensed veterinarian.* Any person licensed by any region or political subdivision thereof to practice veterinary medicine.

*Pen-raised.* Cared for in a fenced enclosure, such that the ratites are kept apart from wild ratites, poultry, and other animals; can be readily observed,

and be restrained for inspection and treatment. A flock is not considered to be pen-raised if ratites captured in the wild have been added to it after March 8, 1994.

*Performing or theatrical birds.* Birds, except ratites, which are to be used in shows, theatrical acts or performances only.

*Persons.* Any individual, corporation, company, association, firm, partnership, society or joint stock company.

*Pet birds.* Birds, except ratites, which are imported for the personal pleasure of their individual owners and are not intended for resale.

*Port Veterinarian.* A veterinarian employed by the Animal and Plant Health Inspection Service to perform duties required under this part at a port of entry.

*Poultry.* Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys (including eggs for hatching).

*Production season.* That period of time, usually approximately 9 months each year, from the time ratites in a flock begin laying eggs until the ratites cease laying eggs.

*Ratites.* Cassowaries, emus, kiwis, ostriches, and rheas.

*Region.* Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

- (1) A national entity (country);
- (2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.);
- (3) Parts of several national entities combined into an area; or
- (4) A group of national entities (countries) combined into a single area.

*Research birds.* Birds which are to be used for research purposes only.

*Smuggled birds.* Any bird which has been brought into the United States contrary to any Federal law or regulation and which has been seized by any official of any Department of the United States Government or which has been abandoned to the United States.

*United States.* All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the